

# 321 321 Rev. Petition forms 87-37-X PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Helistop in a D.R.3.5 Zone pursuant to Section 1B01.1.C.9

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

"We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

G. Warren Mix

(Type or Print Name)

Signature

706 Washington Avenue

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 825-1517

Legal Owner(s):

Josef Riedlbauer

(Type or Print Name)

Signature

8904 Magleth Road

Address

Baltimore, Maryland 21234

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Josef Riedlbauer

Name

8904 Magleth Road

Address

Baltimore, Maryland 21234

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Josef Riedlbauer

Name

8904 Magleth Road

Address

Baltimore, Maryland 21234

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day

of June, 1986, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County on the 4th, 25 day of August, 1986, at 11:00 o'clock

A.M.

BY *Carl Jara*

Zoning Commissioner of Baltimore County.

(over)

IN RE: PETITION SPECIAL EXCEPTION \*  
NW/3 of Magleth Road, 378' N \*  
of Hilltop Drive (9804 Magleth \*  
Road) - 11th Election District \*  
Josef Riedlbauer, et ux, \*  
Petitioners \*  
\* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a helistop, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. Joseph Larson, an engineer, also appeared on their behalf. Barbara VanHorn, an adjacent property owner, appeared in order to share her concerns but was not opposed to the request. Sergeant Michael H. Stelmack, Baltimore County Police Department, also testified.

Testimony indicated that the Petitioners wish to take-off and land their two-seat helicopter from their property located on Magleth Road, containing 2.9 acres and zoned D.R.3.5. The helicopter would be for personal use only and would be used no more than two or three times per week. Mr. Riedlbauer is a duly licensed pilot. Testimony further indicated that there is little noise on landing and only moderate noise on take-off. No fuel will be stored on the premises.

The Petitioners seek relief from Section 1B01.1.C.9, pursuant to Section 502.1, Baltimore County Zoning Regulations (BCZR).

Section 101-Definitions, BCZR, delineates certain conditions for helistops that must be met in addition to those required by Section 502.1. Included therein is a review by the "Director of Public Safety", a position which no longer exists. Also, Section 2-52.1, Baltimore County Code, requires

that all applicants for airports, et al., seek advice from the Baltimore County Aviation Commission, apparently also now defunct. Inasmuch as the public health, safety, and welfare is an integral condition to be considered when granting a special exception and since it is equally clear that the Baltimore County Council intended the safety of helistops to be of paramount importance by requiring approval by the Director of Public Safety and review by the Baltimore County Aviation Commission, the Zoning Office, by Zoning Commissioner Policy No. BM-24, adopted December 7, 1984, requires review of each proposed helistop by the obvious heirs to the Director and the Commission, i.e., review by the Baltimore County Police and Fire Departments.

Sergeant Stelmack testified that he had some concerns but was now satisfied and was not opposed to the request. The Fire Department had no adverse comments. Mrs. VanHorn was concerned about the helicopter's flight path but was assured that her property would not be used.

The Petitioners did not have the requisite "clear zone" of 150 feet for the helicopter but have since entered into a lease agreement with the adjacent property owner for the extra land necessary for compliance. Trees will need to be removed, and no parking of vehicles will be permitted within the zone when the helicopter is in use.

It is clear that the BCZR permits the use requested by the Petitioners in a D.R.3.5 Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of September, 1986, that the Petition for Special Exception for a helistop be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. A revised site plan shall be submitted to the Police Department for review and to the Zoning Commissioner for approval.

2. A Certificate of Compliance, under seal, certifying that all of the requirements as determined by the Police Department have been satisfied, shall be submitted to the Zoning Commissioner.
3. The special exception granted herein shall be valid for a period of one year from the date of the Certificate of Compliance, at which time the Police Department shall reinspect the site and report its findings to the Zoning Commissioner. If the Police Department believes that changes to the area or to the site adversely impact this special exception, a new hearing will be required pursuant to Section 500.7, BCZR; otherwise, no hearing will be required and the special exception may continue. At the end of each succeeding year, the same procedure shall be followed.

AJ/srl

cc: G. Warren Mix, Esquire

Mrs. Barbara VanHorn

Sergeant Michael H. Stelmack

People's Counsel

*Carl Jara*  
Zoning Commissioner of  
Baltimore County

SPELLMAN, LARSON  
& ASSOCIATES, INC.

SUITE 107 - JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
823-3535

ROBERT E. SPELLMAN, P.L.C.  
JOSEPH L. LARSON  
LOUIS J. FRANKO, P.E.  
ALBERT HENRY

DESCRIPTION FOR A 50 FOOT WIDE EASEMENT THOMAS J. PRICE, JR. PROPERTY  
11TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at the beginning of the first parcel of land which by deed dated March 8, 1982 and recorded among the Land Records of Baltimore County in Liber EHK Jr. No. 6379 Folio 180 was conveyed by Weneda M. Messner to Thomas J. Price, Jr. and wife and running thence and binding on a part of the first line of said land and referring the courses of this description to the Baltimore County Grid Meridian North 18 Degrees 02 Minutes 50 Seconds East 50.07 feet thence leaving said first line and running South 74 Degrees 54 Minutes 10 Seconds East 173.00 feet to intersect the third line of said land and running thence and binding on a part of said line and on the fourth or last line of said land South 18 Degrees 02 Minutes 50 Seconds West 50.07 feet and North 74 Degrees 54 Minutes 10 Seconds West 173.00 feet to the place of beginning.

Containing 8,650 square feet or 0.199 acres of land, more or less.

Being an easement 50 feet wide over the Southern portion of the first parcel of land which by deed dated March 8, 1982 and recorded among the Land Records of Baltimore County in Liber EHK Jr. No. 6379 Folio 180 was conveyed by Weneda M. Messner to Thomas J. Price, Jr. and wife.

7/2/86



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING  
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING  
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

PETITION FOR SPECIAL EXCEPTION

11th Election District

Case No. 87-37-X

LOCATION: Northwest Side of Magleth Road, 378 feet North of Hilltop Drive (9804 Magleth Road)

DATE AND TIME: Monday, August 25, 1986, at 11:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a Helistop in a D.R. 3.5 Zone

Being the property of Josef Riedlbauer, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon  
Zoning Commissioner  
Date: July 18, 1986

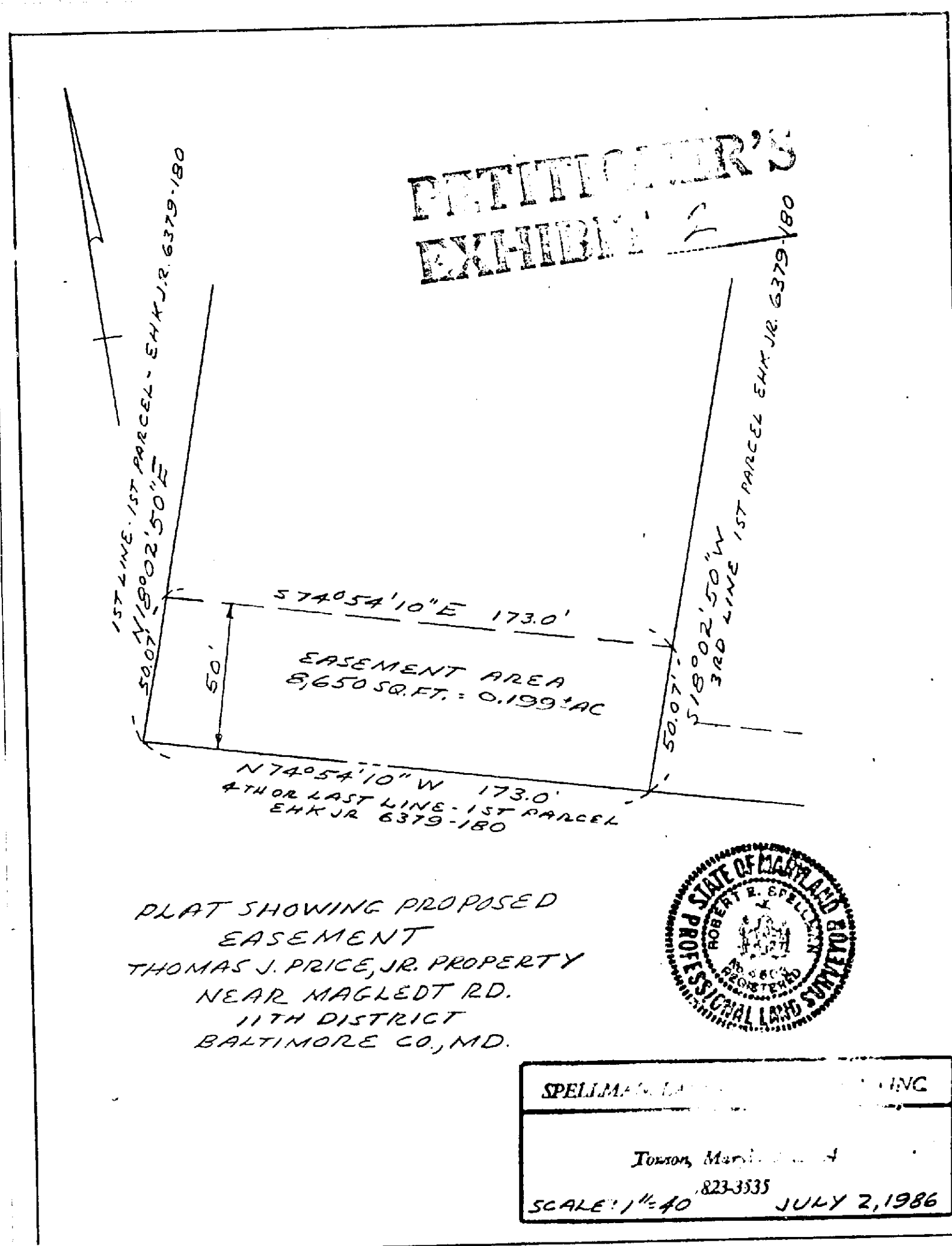
FROM: Norman E. Gerber, AICP, Director  
Office of Planning and Zoning

SUBJECT: Zoning Petition No. 87-37-X

The submitted received by this office lacks sufficient information with which to offer comments. Specific reference is made to the requirements set forth in Section 101 of the Baltimore County Zoning Regulations under the definition of "Helistop".

*Norman E. Gerber, AICP*  
Norman E. Gerber, AICP  
Director

NEG:JGH:slm



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

February 10, 1987

G. Warren Mix, Esquire  
706 Washington Avenue  
Towson, Maryland 21204

RE: Case No. 87-37-X  
Josef J. Riedbauer,  
et ux, Petitioners

Dear Mr. Mix:

Mr. Riedbauer recently appeared before me seeking a variance for a proposed garage (Case No. 87-306-A). At that hearing, I informed him that he would need to file a revised site plan showing the changes required by the Police Department for its approval. As soon as I receive that, his permit may be issued.

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

AJ/srl

LAW OFFICES  
TURNBULL, MIX & FARMER  
706 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204

SEP 9 1987  
JOHN C. DUNN TURNBULL  
1000-1004

February 5, 1987

Arnold Jablon, Zoning Commissioner  
for Baltimore County  
County Office Building,  
Towson, Maryland 21204

RE: Josef J. Riedbauer, et ux  
Case 87-37-X

Dear Mr. Jablon:

It has been my understanding that past in December, information was furnished to you regarding the proposed changes to be made in order to conform with the Police Department's regulations regarding helistops. My client is most anxious to know, this matter resolved so that he can obtain his necessary permission in accordance with the opinion rendered by your office at the time of the hearing.

I would appreciate hearing from you at your earliest convenience.

Very truly yours,

*Turnbull, Mix & Farmer*  
TURNBULL, MIX & FARMER  
706 WASHINGTON AVENUE  
TOWSON, MD 21204

TJM/m

CPS-008

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon  
Zoning Commissioner  
Date: October 21, 1986

FROM: Police Department  
Helistop Inspection  
SUBJECT: 9804 Magledd Road

On October 16, 1986 Sergeant Johnny Whitehead visited Mr. Joseph Riedbauer's residence, located at 9804 Magledd Road, Baltimore, Maryland, 21234, for an inspection of his proposed helistop site.

While at the site, Sergeant Whitehead observed that Mr. Riedbauer has removed the garage and trees that were in the east approach/departure path during the October 7, 1986 inspection.

An inspection of the entire site revealed that the site is in compliance with BM-24 with the exception of paragraphs 8 and 11. Paragraph 8 requires that a red letter "H" be contained on the helipad. Mr. Riedbauer's helipad has a white letter "H". The Police Department reviewed the safety requirements of the Federal Aviation Administration and found that the white letter "H" is standard for helipads. The red letter "H" is recommended for hospital helipads.

Paragraph 11 requires that the perimeter of the helipad be illuminated with blue lighting. The perimeter of Mr. Riedbauer's helipad is illuminated by yellow lighting. The Federal Aviation Administration recommends that the perimeter of the pad be illuminated by yellow lighting and that the touchdown area be illuminated by blue lighting, if touchdown lights are installed.

Inasmuch as the requirements of BM-24 are based primarily on the safety requirements established by the Federal Aviation Administration, and the fact that Mr. Riedbauer's helistop site now meets the safety requirements of the F.A.A., the Police Department is satisfied that all safety requirements have been met.

As a result of the problems identified in paragraphs 8 and 11, the Legal Division of the Police Department is currently reviewing all the requirements of BM-24 and will forward any recommended changes to the Zoning Commissioner for approval.

Mr. Riedbauer advised that he will submit a revised site plan to the Police Department for review, and to the Zoning Commissioner for approval.

Should you have any questions, please feel free to call Sergeant Whitehead at 494-2154.

*Johnny C. Whitehead*  
Johnny C. Whitehead, Sgt.  
Legal Division

JCW/afh

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

10 October 1986

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

G. Warren Mix, Esq.  
706 Washington Ave.  
Towson, Maryland 21204

Re: Petition for Special Exception  
Case No. 87-37-X

Dear Mr. Mix,

I enclose a copy of the final inspection made by the police department pursuant to my order in the above captioned matter.

Please be advised that pursuant thereto, the special exception granted therein will be revoked unless your client can prove to me that the conditions detailed in the memo to me have been corrected. In addition, does your client have a permit for his addition? And if so, did he not know of his plans at the time of his hearing, and why was it not made part of this site plan?

I have grave concerns. If I do not hear from you within fourteen days of the date of this letter, I will issue an Amended Order revoking the special exception.

Sincerely,

Arnold Jablon

AEJ/aj

cc: Johnny C. Whitehead  
Sergeant  
Legal Division

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon  
Zoning Commissioner  
Date: October 8, 1986

FROM: Police Department

SUBJECT: Helistop Inspection  
9804 Magledd Road

On October 2, 1986 Mr. Joseph Riedbauer contacted Sergeant Johnny Whitehead and advised that his helistop site was ready for a final inspection by the police department.

On October 7, 1986 Sergeant Whitehead and Lieutenant Michael Stelmack visited Mr. Riedbauer's residence located at 9804 Magledd Road, Baltimore, Maryland, 21234.

While at the site, the officers observed a garage under construction on Mr. Riedbauer's property, approximately ninety-four (94) feet east of the helistop pad, and in the east approach/departure path. This structure was not at the site during the June 5, 1986 inspection conducted by the police department. The four walls to the structure are ten (10) feet high and is constructed of cinder block. Mr. Riedbauer advised that once the roof is in place, the garage will stand fifteen (15) feet high.

Mr. Riedbauer was advised that a fifteen (15) foot structure, ninety-four (94) feet east of the pad in the approach/departure path, did not comply with paragraph 4 of BM-24 which requires the approach/departure path to have a slope free of obstructions at a ratio of 8 to 1 from the edge of the "clear area." Additionally, there were numerous trees in the east approach/departure path that will have to be removed or topped to comply with paragraph 4 of BM-24.

JCW/afh

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 29, 1986

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

cc:

G. Warren Mix, Esquire  
706 Washington Avenue  
Towson, Maryland 21204

RE: Item No. 321 - Case No. 87-37-X  
Petitioners: Josef Riedbauer, et ux  
Petition for Special Exception

Dear Mr. Mix:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

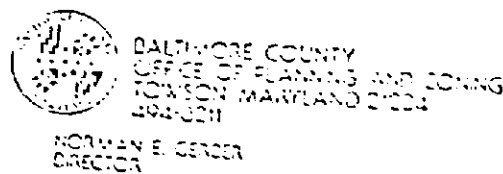
JED:kxb

Enclosures

cc: Josef Riedbauer  
9804 Magledd Road  
Baltimore, Maryland 21234

Spellman, Larson & Associates, Inc.  
Suite 107, Jefferson Building  
Towson, Maryland 21204





BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

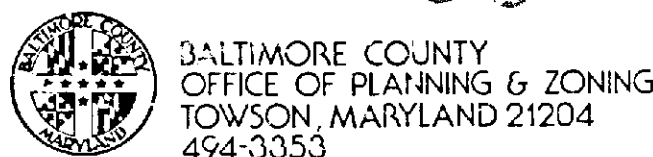
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
  - ☒ A County Review Group Meeting is required.
  - ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
  - ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
  - ☒ The access is not satisfactory.
  - ☒ The parking arrangement on this site is not satisfactory.
  - ☒ The proposed construction is not satisfactory.
  - ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
  - ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-53 of the Development Regulations.
  - ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
  - ☒ The proposed Development Plan was approved by the Planning Board on \_\_\_\_\_.
  - ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
  - ☒ The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 173-79, and as conditions change the intersection may be re-evaluated annually by the County Council.
- Additional comments: \_\_\_\_\_

cc: James Howell

Eugene A. Sobor  
Chief, Current Planning and Development



ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

July 14, 1986

Sergeant Michael Stelmack  
Legal Division  
Baltimore County Police Department  
400 Kenilworth Drive  
Towson, Maryland 21204-4007

RE: PETITION FOR SPECIAL EXCEPTION  
NW/S Magleth Rd., 378' N of Hilltop Dr.  
(9804 Magleth Rd.)  
11th Election District  
Josef Riedlbauer, et ux - Petitioners  
Case No. 87-37-X

Dear Sergeant Stelmack:

This is to advise you that the above-captioned case has been postponed for a hearing on Monday, August 4, 1986, at 11:00 a.m. TO Monday, August 25, 1986, at 11:00 a.m. You will be receiving a copy of the new hearing notice when it has been prepared.

If you have any questions or comments, please feel free to contact me.

Very truly yours,

Margaret E. du Bois  
Margaret E. du Bois  
Hearings and Appeals Clerk  
Zoning Office



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

April 1, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. -ZAC- Meeting of March 18, 1986  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items numbered 311, 313, 314, 317, 319, 320, 321, and 322.

Michael S. Flanagan  
Traffic Engineer Associate II

MSF/bld



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2250  
494-4500

PAUL H. RENCKE  
CHIEF

April 10, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Comodori, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Josef Riedlbauer, et ux.

Location: NW/S Magleth Road 378' N. Hilltop Drive

Item No.: 321 Zoning Agenda: Meeting of 3/18/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

2. A second means of vehicle access is required for the site.

3. The vehicle dead end condition shown as \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code, as amended, or as amended by the Fire Department.

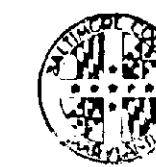
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

6. Site plans are approved, as drawn.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: \_\_\_\_\_ Noted and Approved: \_\_\_\_\_  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

April 14, 1986

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Dear Mr. Jablon: 321 Zoning Advisory Committee Meeting are as follows:  
Property Owner: Josef Riedlbauer, et ux  
Location: NW/S Magleth Road, 378' N Hilltop Drive  
District: 11th.

APPLICABLE ITEMS ARE CIRCLED:

A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 413-85, the Maryland Code for the Building and Appliance (A.B.C. 413-85) and other applicable codes and standards.

B. A building and other miscellaneous permit shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland architect or engineer is not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland architect or engineer shall be required to file a permit application. Reproduced seals are not acceptable.

E. All the Group except B-1 Single Family Detached Dwelling require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. For the Group require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 107, Section 106A-2 and Table 107. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your architect/engineer contact this department.

G. The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.

H. When filing for a required Change of Use/Temporary Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Group and Use Group to Use \_\_\_\_\_ or to Mixed Use. See Section 312 of the Building Code.

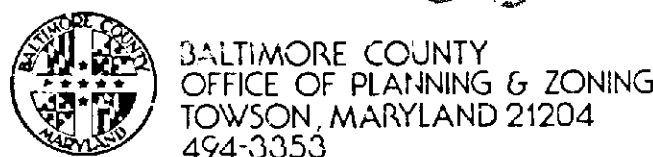
I. The proposed project appears to be located in a Flood Plain, Flood Riverine. Please see the attached copy of Section 510-2 of the Building Code as adopted by Bill 413-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

Comments: A pool fence is not shown. Otherwise the building code does not apply unless a structure or other improvement to the property are required as part of the special exception.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 172 of the County Office Building at 111 Chesapeake Avenue, Towson, Maryland 21204.

Michael S. Flanagan  
Traffic Engineer Associate II

4/23/86



ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

July 14, 1986

Sergeant Michael Stelmack  
Legal Division  
Baltimore County Police Department  
400 Kenilworth Drive  
Towson, Maryland 21204-4007

RE: PETITION FOR SPECIAL EXCEPTION  
NW/S Magleth Rd., 378' N of Hilltop Dr.  
(9804 Magleth Rd.)  
11th Election District  
Josef Riedlbauer, et ux - Petitioners  
Case No. 87-37-X

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If you have any questions or comments, please feel free to contact me.

Very truly yours,

Margaret E. du Bois  
Margaret E. du Bois  
Hearings and Appeals Clerk  
Zoning Office

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon  
Zoning Commissioner Date: June 5, 1986  
FROM: Police Department  
SUBJECT: Helistop Inspection  
9804 Magleth Road

On June 4, 1986, I visited 9804 Magleth Road, Baltimore, Maryland, 21234; residence of Joseph Riedlbauer, for the purpose of a preliminary helistop inspection.

I advised Mr. Riedlbauer that his submitted plans for a helistop did not comply with paragraph 14 of EM.24 (detailed site plan, i.e. no clear zone indicated, approach/departure path, etc.)

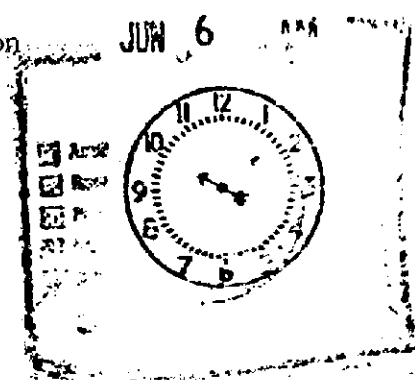
While at his residence, I did view a 10 foot square concrete pad intended to be used as the helistop. Mr. Riedlbauer was advised, pursuant to paragraph #6, of the minimum dimensions of a helistop (20 feet x 20 feet.)

The intended helistop had been constructed on the North side of his swimming pool wall. Mr. Riedlbauer does not have the required 150 feet square clear zone as required in paragraph 2. By his own admission, he only has approximately 130 to 135 feet of distance to his property line going North from the North swimming pool wall.

Due to the outlined deficiencies cited, I advised Mr. Riedlbauer his proposed helistop did not meet Baltimore County regulations.

Michael Stelmack  
Sergeant  
Legal Division  
494-2154

MS/afh



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon  
Zoning Commissioner Date: June 5, 1986  
FROM: Police Department  
SUBJECT: Helistop Inspection  
9804 Magleth Road

On June 4, 1986, I visited 9804 Magleth Road, Baltimore, Maryland, 21234; residence of Joseph Riedlbauer, for the purpose of a preliminary helistop inspection.

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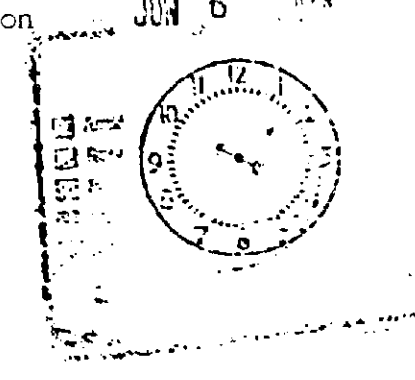
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Michael Stelmack  
Sergeant  
Legal Division  
494-2154

MS/afh



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

June 9, 1986

G. Warren Mix, Esquire  
706 Washington Avenue  
Towson, Maryland 21204

Re: Petition for Special Exception  
NW/S of Magleth Rd., 370' NE of Hilltop Dr.  
Item No. 321  
Josef Riedlbauer, et ux - Petitioners

Dear Mr. Mix:

Enclosed is a copy of a comment, dated June 5, 1986, from Sergeant Michael Stelmack, Legal Division, Baltimore County Police Department, to Arnold Jablon, concerning the above-captioned item.

Sincerely,

W. Carl Richards, Jr.  
W. Carl Richards, Jr.  
Zoning Coordinator

WCR, Jr.:med  
Enclosure

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 26, 1986

COUNTY OFFICE BLDG.  
111 N. Chesapeake Ave.  
Towson, Maryland 21204

cc&gt;

Chairman

G. Warren Mix, Esquire  
706 Washington Avenue  
Towson, Maryland 21204

MEMBERS

Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

RE: Item No. 321

Petitioners - Josef Riedlbauer, et ux  
Special Exception Petition

Dear Mr. Mix:

Your petition was reviewed for scheduling on this date and was found to be deficient; i.e., revised plans reflecting Fire and Police Departments Regulations regarding helistops have not been submitted as required. Your petition has been placed in the dead file pending receipt of said plans.

Very truly yours,

JAMES E. DYER  
Chairman  
Zoning Plan Advisory Committee

JED:nr

## BM-24 HELISTOP

(M-85-3, 12/7/84)

A helistop is permitted as a matter of right in the following zones:

B.L.	-	Section 230.9
B.M.	-	Section 233.1
B.R.	-	Section 236.1
M.R.	-	Section 241.1
M.L.R.	-	Section 248.1
M.L.	-	Section 253.1.B.12
M.H.	-	Section 256.1

and by special exception in a R.C.3 Zone, Section 1A02.2.B.14, and in the D.R. Zones, Section 1B01.1.C.9. However, Section 101, Definitions, delineates certain restrictions that must be met, including authority by the "Director of Public Safety." Inasmuch as this position no longer exists, standards as attached hereto by the Fire and Police Departments must be satisfied and presented at either a special exception hearing or a special hearing which will be required for those zones where helistops are permitted as a matter of right and will be for the sole purpose of establishing the prospective safety of the use before any helistop may be approved. In addition, the applicant must request advice from the Baltimore County Aviation Commission, pursuant to sec. 2-52.1, Baltimore County Code.

AJ:nr

Attachment

## BM-24 HELISTOP (continued)

## HELIPADS CONSTRUCTION AND SAFETY REGULATIONS

Each and every location used for helicopter landings in Baltimore County shall meet the following regulations. For the purpose of these regulations a "helipad" shall be a helicopter landing site. These regulations do not govern landings by helicopters in an emergency situation, nor those used by a police department.

- No person may land or take off from any location in Baltimore County without a "helipad permit".
- Every site chosen for use as a helicopter pad shall be located...
  - In an area that is level and absolutely clear of any objects for a distance of 150 feet by 150 feet.
  - The helipad shall be centered in the middle of the "clear zone" outlined in Section "A". (Refer to Figure 1).
  - The "clear zone" shall be free of any loose objects or debris or any other loose material such as dirt, sand, gravel, etc...
- Every helipad shall have two approach/departure paths. The approach/departure paths shall have a minimum of 90° between them. (Refer to Figure 2). Approach/departure paths should be chosen on a safety basis, i.e. consideration for populated areas, public locations, etc...
- The approach/departure paths shall have a slope free of obstructions at a ratio of 8 to 1 from the edge of the 150 foot "clear area" to extend outward in a direct line of 4000 feet. (Refer to Figure 3).
- The approach/departure paths shall extend from the "clear zone" for a distance of 4000 feet and shall be 500 feet wide at the 4000 foot mark. (Refer to Figure 3).
- The helicopter pad shall be constructed of concrete or asphalt at a minimum depth of 5 inches. The dimensions of the pad shall be a minimum of 20 feet wide by 20 feet long.
- The surface of the helicopter pad shall be brushed or anti-skid.
- A red letter "H" shall be centered on the helipad and be a minimum of 10 feet high and 5 feet 6 inches wide. The segments of the letter "H" shall be 15 inches wide. (Refer to Figure #4).
- Situated above the letter "H" shall be a white triangle or arrow that has the apex pointing magnetic North. The arrow or triangle shall be 3 feet high and 3 feet wide at its base. The triangle or arrow can be segmented. (Refer to Figure #4).
- In lieu of 9-A, the letter "H" may be centered in the middle of a triangle that is segmented, however, the apex of the triangle must point magnetic North. The dimensions of the triangle shall be proportionate to the "H".

- 3 -

## BM-24 HELISTOP (Continued)

TO: Arnold Jablon  
Zoning Commissioner

Date: August 29, 1984

FROM: Paul H. Reincke, Chief  
Fire DepartmentSUBJECT: Comments on Request for  
Helistop in B.M. Zone

Your memorandum of request, dated July 26, 1984, concerning Helistops in B.M. Zones has been reviewed by several members of my staff as well as myself. We are of the opinion that your proposed procedure would provide a satisfactory means to address the fire prevention and protection issues which would need identification in requests for approval of both helistops and heliports.

Although my office, to date, has received no requests for authorization of helicopter landing areas in B.M. Zones, the following list of items would have to be satisfied prior to Fire Department authorization or approval.

- We would need a description from the petitioner as to the exact type of helicopter operation he intends to conduct. There are significantly different fire protection criteria for heliports as compared to helistops.
- Is the landing area or pad to be located on grade or on the roof of a building or structure?
- Are the landing helicopters to be normally fueled and/or refueled at that location? If not, what will occur when a helicopter lands which is low on fuel?
- What is the projected frequency of landings and take-offs?
- What is the passenger/human occupant load of the largest helicopter that will be landing and what is the largest fuel carrying capacity of using helicopters? This information is required because nationally recognized fire protection standards establish different criteria when taking into consideration passenger and fuel carrying loads.
- Would the petitioner be willing to grant approval for the Fire Department to utilize the helicopter landing area for Maryland State Police medivac helicopter operations when space permits? Note that this item would not require a positive response from the petitioner to receive Fire Department authorization, but is rather intended to provide us and the State Police with useful information during emergencies occurring in the vicinity of the helistop/heliport area.

- 7 -

## BM-24 HELISTOP (Continued)

FIGURE #1 Clear Zone

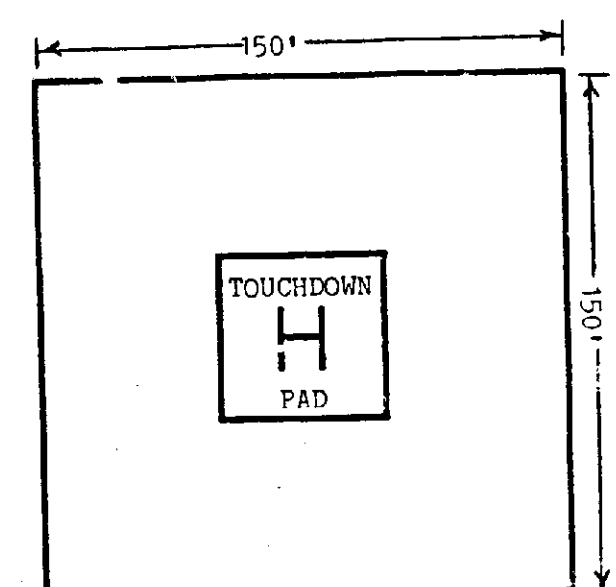
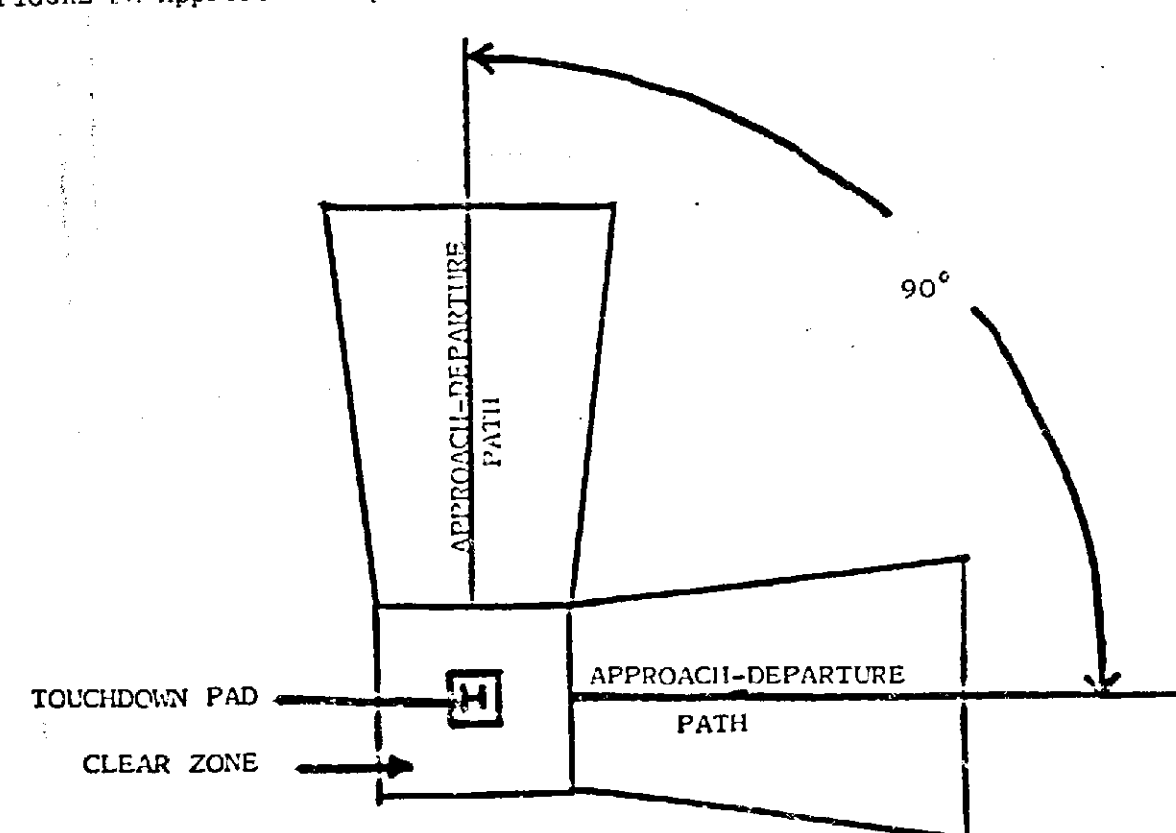
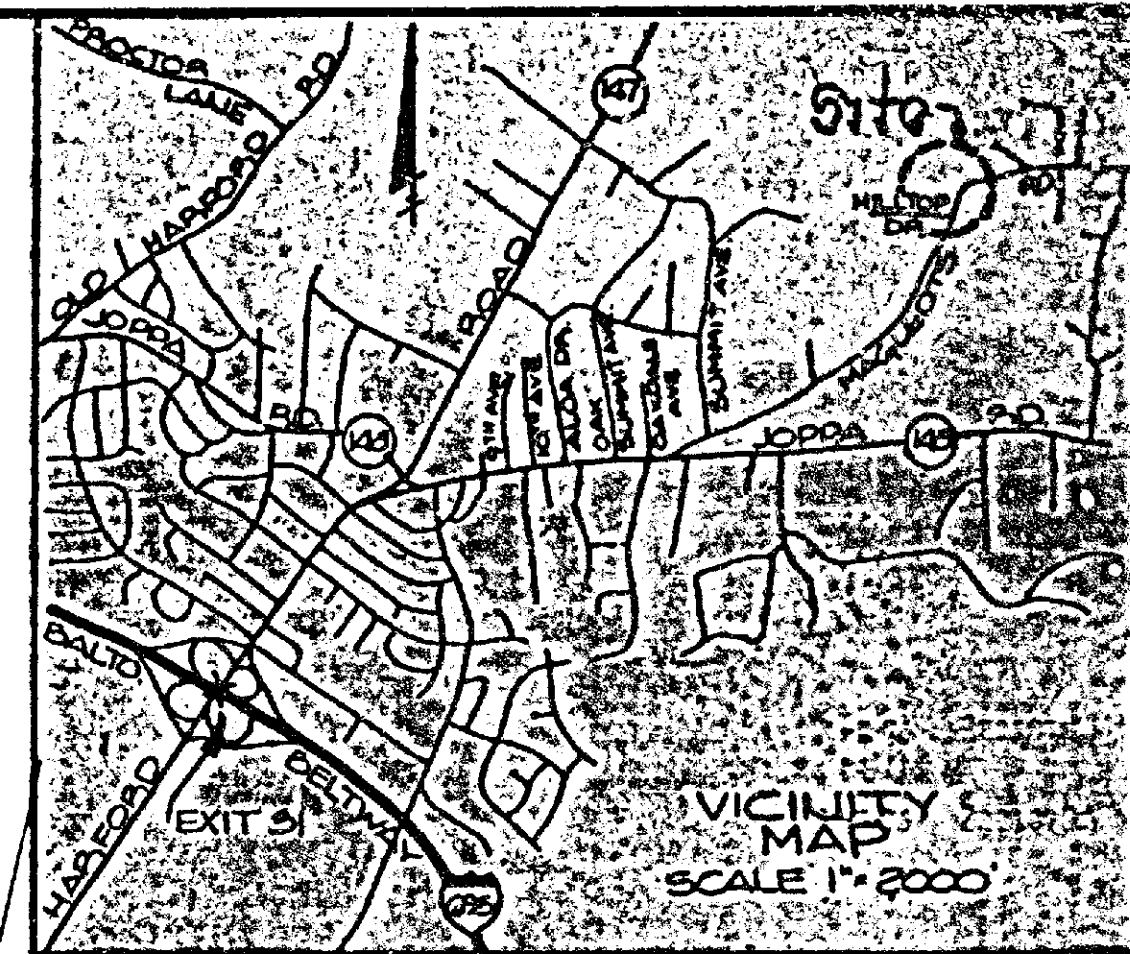
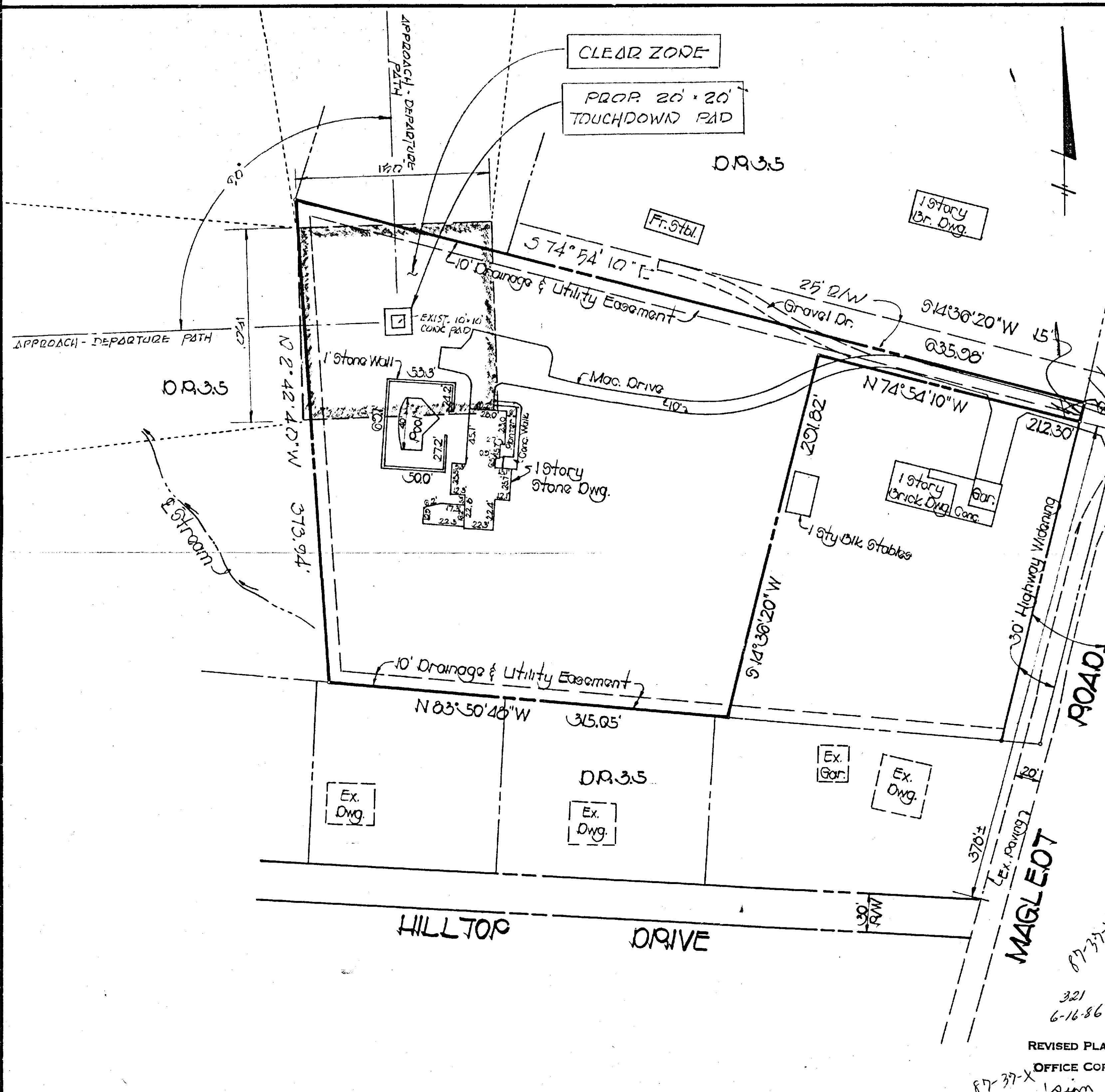


FIGURE #2 Approach - Departure Path Angles



-5-





- NOTES:
1. Ex. Zoning
  2. Area of tract
  3. No Public Water or Sewer is available.

## PETITIONER'S EXHIBIT

REVISIONS			
NO.	DATE	REV.	DESCRIPTION
1	6-10-86	REV. PER COUNTY	COMMENTS

**SPELLMAN, LARSON & ASSOCIATES, INC.**  
 CIVIL ENGINEERS AND LAND SURVEYORS  
 SUITE 107, JEFFERSON BLDG., TOWSON, MD. 21204  
 PHONE: 823-3535

PLAT TO ACCOMPANY ZONING PETITION FOR A SPECIAL EXCEPTION FOR A HELISTOP

**RIEDLBAUER PROPERTY**  
 #9804 MAGLEOT ROAD

11TH Election District Baltimore Co., MD.  
 SCALE: 1" = 50'  
 DATE: 2-5-86  
 DES. BY: O.C.B.  
 DWN. BY: O.C.B.  
 SHT. 1 of 1

REVISED PLANS  
 OFFICE COPY

87-37-X  
 321  
 6-16-86  
 87-37-X

# 321 321 Rev. Petition forms 87-37-X 30 PETITION FOR SPECIAL EXCEPTION TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Helistop in a D.R.3.5 Zone pursuant to Section 1B01.1.C.9. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. "We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition." Contract Purchaser: (Type or Print Name) Signature Address City and State Attorney for Petitioner: G. Warren Mix (Type or Print Name) Signature 706 Washington Avenue Address Towson, Maryland 21204 City and State Attorney's Telephone No.: 825-1517 Legal Owner(s): Josef Riedlbauer (Type or Print Name) Signature Sheri J. Riedlbauer (Type or Print Name) Signature 9804 Magleth Road 366-6900 Address Phone No. Baltimore, Maryland 21234 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Josef Riedlbauer Name 9804 Magleth Road 366-6900 Address Phone No. ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of June, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 4th day of August, 1986, at 11:00 o'clock. (over) ORDER RECEIVED FOR FILING DATE September 5, 1986 BY [Signature] 87-37-X #321 321 321 Rev. Petition forms 87-37-X

IN RE: PETITION SPECIAL EXCEPTION \*  
NW/3 of Magleth Road, 378' N  
of Hilltop Drive (9804 Magleth  
Road) - 11th Election District \*  
Josef Riedlbauer, et ux, \*  
Petitioners \*  
\* \* \* \* \*

BEFORE THE \*  
ZONING COMMISSIONER \*  
OF BALTIMORE COUNTY \*  
Case No. 87-37-X

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a helistop, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. Joseph Larson, an engineer, also appeared on their behalf. Barbara VanHorn, an adjacent property owner, appeared in order to share her concerns but was not opposed to the request. Sergeant Michael H. Stelmack, Baltimore County Police Department, also testified.

Testimony indicated that the Petitioners wish to take-off and land their two-seat helicopter from their property located on Magleth Road, containing 2.9 acres and zoned D.R.3.5. The helicopter would be for personal use only and would be used no more than two or three times per week. Mr. Riedlbauer is a duly licensed pilot. Testimony further indicated that there is little noise on landing and only moderate noise on take-off. No fuel will be stored on the premises.

The Petitioners seek relief from Section 1B01.1.C.9, pursuant to Section 502.1, Baltimore County Zoning Regulations (BCZR).

Section 101-Definitions, BCZR, delineates certain conditions for helistops that must be met in addition to those required by Section 502.1. Included therein is a review by the "Director of Public Safety", a position which no longer exists. Also, Section 2-52.1, Baltimore County Code, requires

that all applicants for airports, et al., seek advice from the Baltimore County Aviation Commission, apparently also now defunct. Inasmuch as the public health, safety, and welfare is an integral condition to be considered when granting a special exception and since it is equally clear that the Baltimore County Council intended the safety of helistops to be of paramount importance by requiring approval by the Director of Public Safety and review by the Baltimore County Aviation Commission, the Zoning Office, by Zoning Commissioner Policy No. BM-24, adopted December 7, 1984, requires review of each proposed helistop by the obvious heirs to the Director and the Commission, i.e., review by the Baltimore County Police and Fire Departments.

Sergeant Stelmack testified that he had some concerns but was now satisfied and was not opposed to the request. The Fire Department had no adverse comments. Mrs. VanHorn was concerned about the helicopter's flight path but was assured that her property would not be used.

The Petitioners did not have the requisite "clear zone" of 150 feet for the helicopter but have since entered into a lease agreement with the adjacent property owner for the extra land necessary for compliance. Trees will need to be removed, and no parking of vehicles will be permitted within the zone when the helicopter is in use.

It is clear that the BCZR permits the use requested by the Petitioners in a D.R.3.5 Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of September, 1986, that the Petition for Special Exception for a helistop be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. A revised site plan shall be submitted to the Police Department for review and to the Zoning Commissioner for approval.

2. A Certificate of Compliance, under seal, certifying that all of the requirements as determined by the Police Department have been satisfied, shall be submitted to the Zoning Commissioner.
3. The special exception granted herein shall be valid for a period of one year from the date of the Certificate of Compliance, at which time the Police Department shall reinspect the site and report its findings to the Zoning Commissioner. If the Police Department believes that changes to the area or to the site adversely impact this special exception, a new hearing will be required pursuant to Section 500.7, BCZR; otherwise, no hearing will be required and the special exception may continue. At the end of each succeeding year, the same procedure shall be followed.

AJ/srl  
cc: G. Warren Mix, Esquire  
Mrs. Barbara VanHorn  
Sergeant Michael H. Stelmack  
People's Counsel

[Signature]  
Zoning Commissioner of  
Baltimore County

SPELLMAN, LARSON  
& ASSOCIATES, INC.

SUITE 107 - JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
823-3535

DESCRIPTION FOR A 50 FOOT WIDE EASEMENT THOMAS J. PRICE, JR. PROPERTY  
11TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at the beginning of the first parcel of land which by deed dated March 8, 1982 and recorded among the Land Records of Baltimore County in Liber EHK Jr. No. 6379 Folio 180 was conveyed by Weneda M. Messner to Thomas J. Price, Jr. and wife and running thence and binding on a part of the first line of said land and referring the courses of this description to the Baltimore County Grid Meridian North 18 Degrees 02 Minutes 50 Seconds East 50.07 feet thence leaving said first line and running South 74 Degrees 54 Minutes 10 Seconds East 173.00 feet to intersect the third line of said land and running thence and binding on a part of said line and on the fourth or last line of said land South 18 Degrees 02 Minutes 50 Seconds West 50.07 feet and North 74 Degrees 54 Minutes 10 Seconds West 173.00 feet to the place of beginning.

Containing 8,650 square feet or 0.199 acres of land, more or less.

Being an easement 50 feet wide over the Southern portion of the first parcel of land which by deed dated March 8, 1982 and recorded among the Land Records of Baltimore County in Liber EHK Jr. No. 6379 Folio 180 was conveyed by Weneda M. Messner to Thomas J. Price, Jr. and wife.



PETITION FOR SPECIAL EXCEPTION  
11th Election District  
Case No. 87-37-X

LOCATION: Northwest Side of Magleth Road, 378 feet North of Hilltop Drive (9804 Magleth Road)

DATE AND TIME: Monday, August 25, 1986, at 11:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a Helistop in a D.R. 3.5 Zone

Being the property of Josef Riedlbauer, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon  
Zoning Commissioner  
Date: July 18, 1986

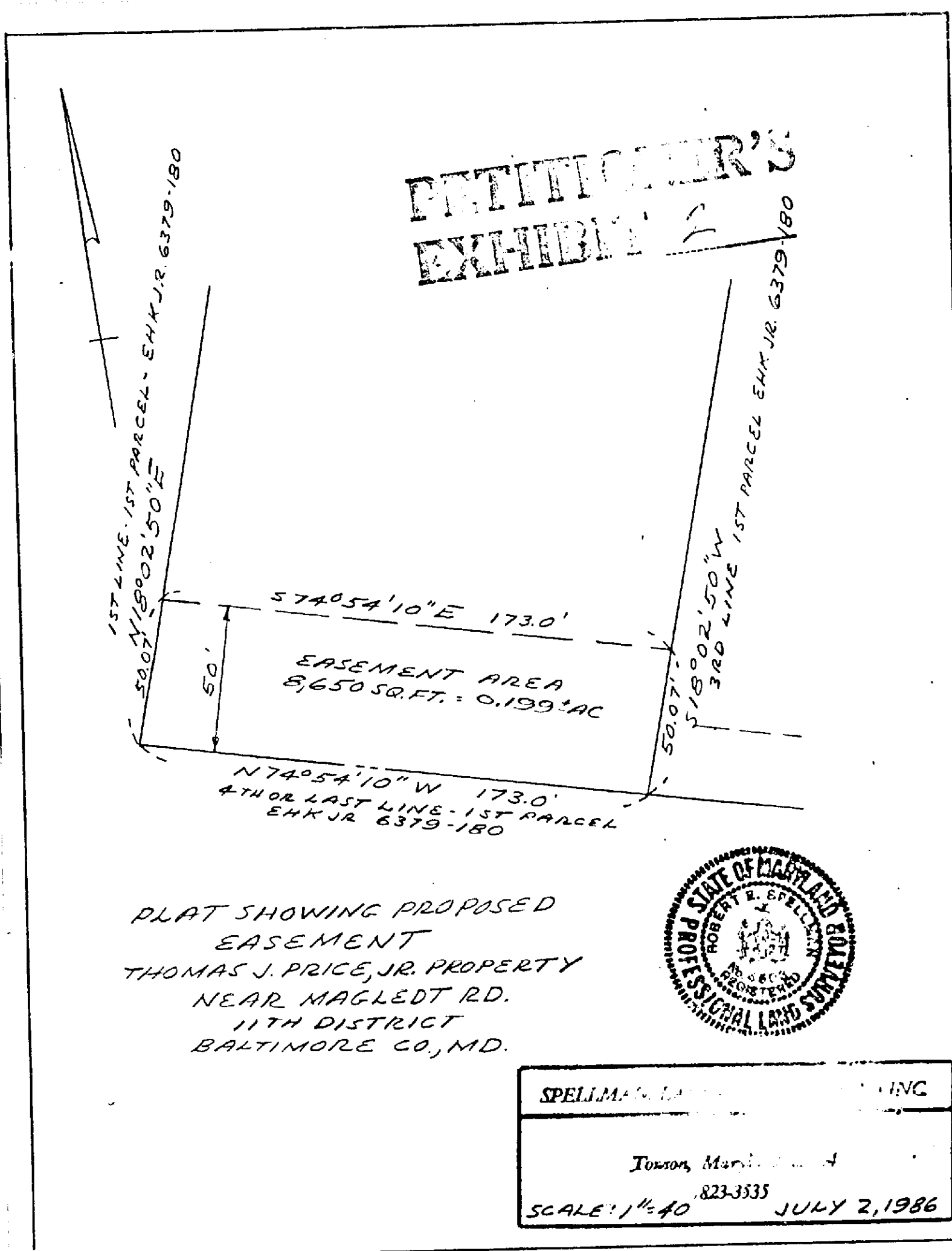
FROM: Norman E. Gerber, AICP, Director  
Office of Planning and Zoning

SUBJECT: Zoning Petition No. 87-37-X

The submitted received by this office lacks sufficient information with which to offer comments. Specific reference is made to the requirements set forth in Section 101 of the Baltimore County Zoning Regulations under the definition of "Helistop".

*Norman E. Gerber, AICP*  
Norman E. Gerber, AICP  
Director

NEG:JGH:slm



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

February 10, 1987

G. Warren Mix, Esquire  
706 Washington Avenue  
Towson, Maryland 21204

RE: Case No. 87-37-X  
Josef J. Riedbauer,  
et ux, Petitioners

Dear Mr. Mix:

Mr. Riedbauer recently appeared before me seeking a variance for a proposed garage (Case No. 87-306-A). At that hearing, I informed him that he would need to file a revised site plan showing the changes required by the Police Department for its approval. As soon as I receive that, his permit may be issued.

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

AJ/srl

LAW OFFICES  
TURNBULL, MIX & FARMER  
706 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204

SEP 9 1987  
JOHN C. DUNN TURNBULL  
1000-1004

February 5, 1987

Arnold Jablon, Zoning Commissioner  
for Baltimore County  
County Office Building,  
Towson, Maryland 21204

RE: Josef J. Riedbauer, et ux  
Case 87-37-X

Dear Mr. Jablon:

It has been my understanding that just in December, information was furnished to you regarding the proposed changes to be made in order to conform with the Police Department's regulations regarding helistops. My client is most anxious to know, this matter resolved so that he can obtain his necessary permission in accordance with the opinion rendered by your office at the time of the hearing.

I would appreciate hearing from you at your earliest convenience.

Very truly yours,

*Turnbull, Mix & Farmer*  
TURNBULL, MIX & FARMER  
706 WASHINGTON AVENUE  
TOWSON, MD 21204

TJM/m

CPS-008

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon  
Zoning Commissioner  
Date: October 21, 1986

FROM: Police Department  
Helistop Inspection  
SUBJECT: 9804 Magledd Road

On October 16, 1986 Sergeant Johnny Whitehead visited Mr. Joseph Riedbauer's residence, located at 9804 Magledd Road, Baltimore, Maryland, 21234, for an inspection of his proposed helistop site.

While at the site, Sergeant Whitehead observed that Mr. Riedbauer has removed the garage and trees that were in the east approach/departure path during the October 7, 1986 inspection.

An inspection of the entire site revealed that the site is in compliance with BM-24 with the exception of paragraphs 8 and 11. Paragraph 8 requires that a red letter "H" be contained on the helipad. Mr. Riedbauer's helipad has a white letter "H". The Police Department reviewed the safety requirements of the Federal Aviation Administration and found that the white letter "H" is standard for helipads. The red letter "H" is recommended for hospital helipads.

Paragraph 11 requires that the perimeter of the helipad be illuminated with blue lighting. The perimeter of Mr. Riedbauer's helipad is illuminated by yellow lighting. The Federal Aviation Administration recommends that the perimeter of the pad be illuminated by yellow lighting and that the touchdown area be illuminated by blue lighting, if touchdown lights are installed.

Inasmuch as the requirements of BM-24 are based primarily on the safety requirements established by the Federal Aviation Administration, and the fact that Mr. Riedbauer's helistop site now meets the safety requirements of the F.A.A., the Police Department is satisfied that all safety requirements have been met.

As a result of the problems identified in paragraphs 8 and 11, the Legal Division of the Police Department is currently reviewing all the requirements of BM-24 and will forward any recommended changes to the Zoning Commissioner for approval.

Mr. Riedbauer advised that he will submit a revised site plan to the Police Department for review, and to the Zoning Commissioner for approval.

Should you have any questions, please feel free to call Sergeant Whitehead at 494-2154.

*Johnny C. Whitehead*  
Johnny C. Whitehead, Sgt.  
Legal Division

JCW/afh

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

10 October 1986

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

G. Warren Mix, Esq.  
706 Washington Ave.  
Towson, Maryland 21204

Re: Petition for Special Exception  
Case No. 87-37-X

Dear Mr. Mix,

I enclose a copy of the final inspection made by the police department pursuant to my order in the above captioned matter.

Please be advised that pursuant thereto, the special exception granted therein will be revoked unless your client can prove to me that the conditions detailed in the memo to me have been corrected. In addition, does your client have a permit for his addition? And if so, did he not know of his plans at the time of his hearing, and why was it not made part of this site plan?

I have grave concerns. If I do not hear from you within fourteen days of the date of this letter, I will issue an Amended Order revoking the special exception.

Sincerely,

Arnold Jablon

AEJ/aj

cc: Johnny C. Whitehead  
Sergeant  
Legal Division

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon  
Zoning Commissioner  
Date: October 8, 1986

FROM: Police Department

SUBJECT: Helistop Inspection  
9804 Magledd Road

On October 2, 1986 Mr. Joseph Riedbauer contacted Sergeant Johnny Whitehead and advised that his helistop site was ready for a final inspection by the police department.

On October 7, 1986 Sergeant Whitehead and Lieutenant Michael Stelmack visited Mr. Riedbauer's residence located at 9804 Magledd Road, Baltimore, Maryland, 21234.

While at the site, the officers observed a garage under construction on Mr. Riedbauer's property, approximately ninety-four (94) feet east of the helistop pad, and in the east approach/departure path. This structure was not at the site during the June 5, 1986 inspection conducted by the police department. The four walls to the structure are ten (10) feet high and is constructed of cinder block. Mr. Riedbauer advised that once the roof is in place, the garage will stand fifteen (15) feet high.

Mr. Riedbauer was advised that a fifteen (15) foot structure, ninety-four (94) feet east of the pad in the approach/departure path, did not comply with paragraph 4 of BM-24 which requires the approach/departure path to have a slope free of obstructions at a ratio of 8 to 1 from the edge of the "clear area." Additionally, there were numerous trees in the east approach/departure path that will have to be removed or topped to comply with paragraph 4 of BM-24.

JCW/afh

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 29, 1986

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

G. Warren Mix, Esquire  
706 Washington Avenue  
Towson, Maryland 21204

RE: Item No. 321 - Case No. 87-37-X  
Petitioners: Josef Riedbauer, et ux  
Petition for Special Exception

Dear Mr. Mix:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

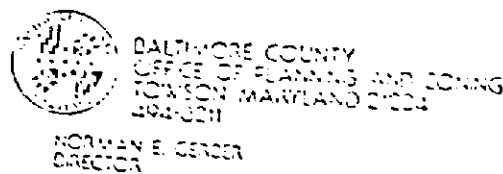
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kxb

Enclosures

cc: Josef Riedbauer  
9804 Magledd Road  
Baltimore, Maryland 21234

Spellman, Larson & Associates, Inc.  
Suite 107, Jefferson Building  
Towson, Maryland 21204



Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

July 11, 1986

Re: Zoning Advisory Meeting of March 18, 1986  
Item # 321  
Property Owner: JOSEF RIEDBAUER, et ux  
Location: NW/S of Magleth Rd., 378' N. of Hilltop Dr. (9804 Magleth Rd.)

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The parking arrangement on this site is not satisfactory.
- ☒ The proposed construction is not satisfactory.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-53 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The proposed Development Plan was approved by the Planning Board on \_\_\_\_\_.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- ☒ The property is located in a traffic area controlled by a "top level" intersection as defined by Bill 173-79, and as conditions change the intersection may be re-evaluated annually by the County Council.
- ☐ Additional comments: \_\_\_\_\_

cc: Johns Howell

Eugene A. Sobor  
Chief, Current Planning and Development



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

April 1, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. -ZAC- Meeting of March 18, 1986  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

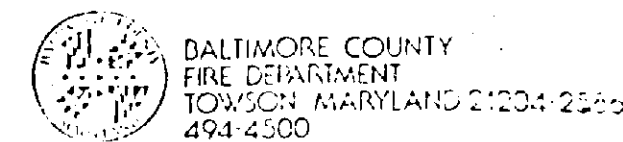
Acres:  
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items numbered 311, 313, 314, 317, 319, 320, 321, and 322.

Michael S. Flanagan  
Traffic Engineer Associate II

MSF/bld



PAUL H. RENSKE  
CHIEF

April 10, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Comodori, Chairman  
Zoning Plans Advisory Committee

Property Owner: Josef Reidbauer, et ux.

Location: NW/S Magleth Road 378' N. Hilltop Drive

Item No.: 321 Zoning Agenda: Meeting of 3/18/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ☒ 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ☒ 2. A second means of vehicle access is required for the site.
- ☒ 3. The vehicle dead end condition shown as \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ☒ 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code, as amended, or as amended by the Fire Prevention Bureau.
- ☒ 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- ☒ 6. Site plans are approved, as drawn.
- ☒ 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: \_\_\_\_\_ Noted and Approved: \_\_\_\_\_  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

April 11, 1986

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Dear Mr. Jablon:  
Comments on Item # 321 Zoning Advisory Committee Meeting are as follows:  
Property Owner: Josef Reidbauer, et ux  
Location: NW/S Magleth Road, 378' N Hilltop Drive  
District: 11th.

APPLICABLE ITEMS ARE CIRCLED:

- A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 413-85. The Maryland Code for the Building and Appliances (A.S.C. 41.1.1.1 - 1985) and other applicable Codes and Standards.
- B. A building and other miscellaneous permit shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All the Group except B-1 Single Family Detached Dwelling require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. For the Group require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1007, Section 1006.2 and Table 1007. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) \_\_\_\_\_ of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Temporary Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Group and Use Group to Use \_\_\_\_\_ or to Mixed Use. See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Flood Hazard Area. Please see the attached copy of Section 510.0 of the Building Code as adopted by Bill 417-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

Comments: A pool fence is not shown. Otherwise the building code does not apply unless a structure or other improvement to the property are required as part of the special exception.

These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 172 of the County Office Building at 111 Chesapeake Avenue, Towson, Maryland 21204.

WCR, Jr. med  
Building Plans Review

4/22/86



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

July 14, 1986

Sergeant Michael Stelmack  
Legal Division  
Baltimore County Police Department  
400 Kenilworth Drive  
Towson, Maryland 21204-4007

RE: PETITION FOR SPECIAL EXCEPTION  
NW/S Magleth Rd., 378' N of Hilltop Dr.  
(9804 Magleth Rd.)  
11th Election District  
Josef Riedbauer, et ux - Petitioners  
Case No. 87-37-X

Dear Sergeant Stelmack:

This is to advise you that the above-captioned case has been postponed for a hearing on Monday, August 4, 1986, at 11:00 a.m. TO Monday, August 25, 1986, at 11:00 a.m. You will be receiving a copy of the new hearing notice when it has been prepared.

If you have any questions or comments, please feel free to contact me.

Very truly yours,

Margaret E. du Bois  
Margaret E. du Bois  
Hearings and Appeals Clerk  
Zoning Office

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon  
Zoning Commissioner Date: June 5, 1986  
FROM: Police Department  
SUBJECT: Helistop Inspection  
9804 Magleth Road

On June 4, 1986, I visited 9804 Magleth Road, Baltimore, Maryland, 21234; residence of Joseph Riedbauer, for the purpose of a preliminary helistop inspection.

I advised Mr. Riedbauer that his submitted plans for a helistop did not comply with paragraph 14 of EM.24 (detailed site plan, i.e. no clear zone indicated, approach/departure path, etc.)

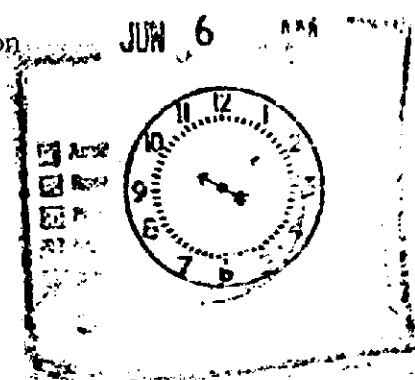
While at his residence, I did view a 10 foot square concrete pad intended to be used as the helistop. Mr. Riedbauer was advised, pursuant to paragraph #6, of the minimum dimensions of a helistop (20 feet x 20 feet.)

The intended helistop had been constructed on the North side of his swimming pool wall. Mr. Riedbauer does not have the required 150 feet square clear zone as required in paragraph 2. By his own admission, he only has approximately 130 to 135 feet of distance to his property line going North from the North swimming pool wall.

Due to the outlined deficiencies cited, I advised Mr. Riedbauer his proposed helistop did not meet Baltimore County regulations.

MS/afh

Michael Stelmack  
Sergeant  
Legal Division  
494-2154



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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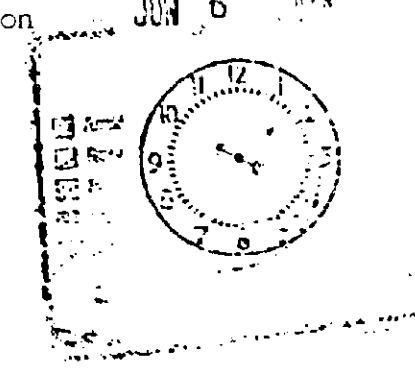
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MS/afh

Michael Stelmack  
Sergeant  
Legal Division  
494-2154



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

June 9, 1986

G. Warren Mix, Esquire  
706 Washington Avenue  
Towson, Maryland 21204

Re: Petition for Special Exception  
NW/S of Magleth Rd., 370' NE of Hilltop Dr.  
Item No. 321  
Josef Riedbauer, et ux - Petitioners

Dear Mr. Mix:

Enclosed is a copy of a comment, dated June 5, 1986, from Sergeant Michael Stelmack, Legal Division, Baltimore County Police Department, to Arnold Jablon, concerning the above-captioned item.

Sincerely,

W. Carl Richards, Jr.  
W. Carl Richards, Jr.  
Zoning Coordinator

WCR, Jr. med  
Enclosure



## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 26, 1986

COUNTY OFFICE BLDG.  
111 N. Chesapeake Ave.  
Towson, Maryland 21204

cc&gt;

Chairman

G. Warren Mix, Esquire  
706 Washington Avenue  
Towson, Maryland 21204

MEMBERS

Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

RE: Item No. 321

Petitioners - Josef Riedlbauer, et ux  
Special Exception Petition

Dear Mr. Mix:

Your petition was reviewed for scheduling on this date and was found to be deficient; i.e., revised plans reflecting Fire and Police Departments Regulations regarding helistops have not been submitted as required. Your petition has been placed in the dead file pending receipt of said plans.

Very truly yours,

JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:nr

## BM-24 HELISTOP

(M-85-3, 12/7/84)

A helistop is permitted as a matter of right in the following zones:

B.L.	-	Section 230.9
B.M.	-	Section 233.1
B.R.	-	Section 236.1
M.R.	-	Section 241.1
M.L.R.	-	Section 248.1
M.L.	-	Section 253.1.B.12
M.H.	-	Section 256.1

and by special exception in a R.C.3 Zone, Section 1A02.2.B.14, and in the D.R. Zones, Section 1B01.1.C.9. However, Section 101, Definitions, delineates certain restrictions that must be met, including authority by the "Director of Public Safety." Inasmuch as this position no longer exists, standards as attached hereto by the Fire and Police Departments must be satisfied and presented at either a special exception hearing or a special hearing which will be required for those zones where helistops are permitted as a matter of right and will be for the sole purpose of establishing the prospective safety of the use before any helistop may be approved. In addition, the applicant must request advice from the Baltimore County Aviation Commission, pursuant to sec. 2-52.1, Baltimore County Code.

AJ:nr

Attachment

## BM-24 HELISTOP (continued)

## HELIPADS CONSTRUCTION AND SAFETY REGULATIONS

Each and every location used for helicopter landings in Baltimore County shall meet the following regulations. For the purpose of these regulations a "helipad" shall be a helicopter landing site. These regulations do not govern landings by helicopters in an emergency situation, nor those used by a police department.

- No person may land or take off from any location in Baltimore County without a "helipad permit".
- Every site chosen for use as a helicopter pad shall be located...
  - In an area that is level and absolutely clear of any objects for a distance of 150 feet by 150 feet.
  - The helipad shall be centered in the middle of the "clear zone" outlined in Section "A". (Refer to Figure 1).
  - The "clear zone" shall be free of any loose objects or debris or any other loose material such as dirt, sand, gravel, etc...
- Every helipad shall have two approach/departure paths. The approach/departure paths shall have a minimum of 90° between them. (Refer to Figure 2). Approach/departure paths should be chosen on a safety basis, i.e. consideration for populated areas, public locations, etc...
- The approach/departure paths shall have a slope free of obstructions at a ratio of 8 to 1 from the edge of the 150 foot "clear area" to extend outward in a direct line of 4000 feet. (Refer to Figure 3).
- The approach/departure paths shall extend from the "clear zone" for a distance of 4000 feet and shall be 500 feet wide at the 4000 foot mark. (Refer to Figure 3).
- The helicopter pad shall be constructed of concrete or asphalt at a minimum depth of 5 inches. The dimensions of the pad shall be a minimum of 20 feet wide by 20 feet long.
- The surface of the helicopter pad shall be brushed or anti-skid.
- A red letter "H" shall be centered on the helipad and be a minimum of 10 feet high and 5 feet 6 inches wide. The segments of the letter "H" shall be 15 inches wide. (Refer to Figure #4).
- Situated above the letter "H" shall be a white triangle or arrow that has the apex pointing magnetic North. The arrow or triangle shall be 3 feet high and 3 feet wide at its base. The triangle or arrow can be segmented. (Refer to Figure #4).
- In lieu of 9-A, the letter "H" may be centered in the middle of a triangle that is segmented, however, the apex of the triangle must point magnetic North. The dimensions of the triangle shall be proportionate to the "H".

- 3 -

## BM-24 HELISTOP (Continued)

TO: Arnold Jablon  
Zoning Commissioner

Date: August 29, 1984

FROM: Paul H. Reincke, Chief  
Fire DepartmentSUBJECT: Comments on Request for  
Helistop in B.M. Zone

Your memorandum of request, dated July 26, 1984, concerning Helistops in B.M. Zones has been reviewed by several members of my staff as well as myself. We are of the opinion that your proposed procedure would provide a satisfactory means to address the fire prevention and protection issues which would need identification in requests for approval of both helistops and heliports.

Although my office, to date, has received no requests for authorization of helicopter landing areas in B.M. Zones, the following list of items would have to be satisfied prior to Fire Department authorization or approval.

- We would need a description from the petitioner as to the exact type of helicopter operation he intends to conduct. There are significantly different fire protection criteria for heliports as compared to helistops.
- Is the landing area or pad to be located on grade or on the roof of a building or structure?
- Are the landing helicopters to be normally fueled and/or refueled at that location? If not, what will occur when a helicopter lands which is low on fuel?
- What is the projected frequency of landings and take-offs?
- What is the passenger/human occupant load of the largest helicopter that will be landing and what is the largest fuel carrying capacity of using helicopters? This information is required because nationally recognized fire protection standards establish different criteria when taking into consideration passenger and fuel carrying loads.
- Would the petitioner be willing to grant approval for the Fire Department to utilize the helicopter landing area for Maryland State Police medivac helicopter operations when space permits? Note that this item would not require a positive response from the petitioner to receive Fire Department authorization, but is rather intended to provide us and the State Police with useful information during emergencies occurring in the vicinity of the helistop/heliport area.

- 7 -

## BM-24 HELISTOP (Continued)

FIGURE #1 Clear Zone

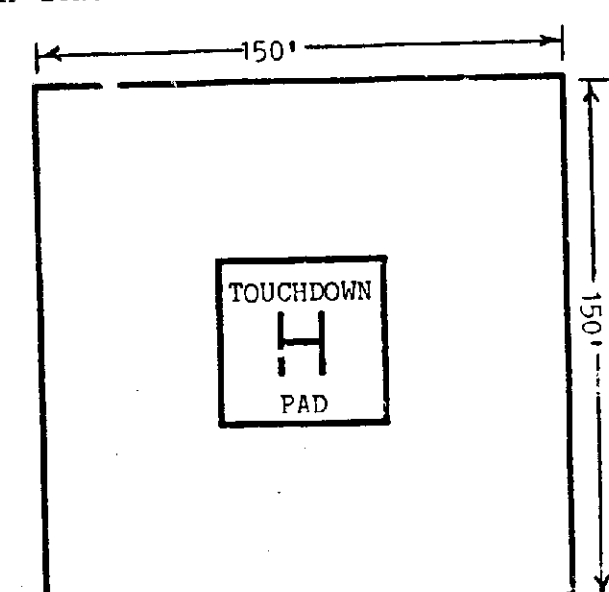
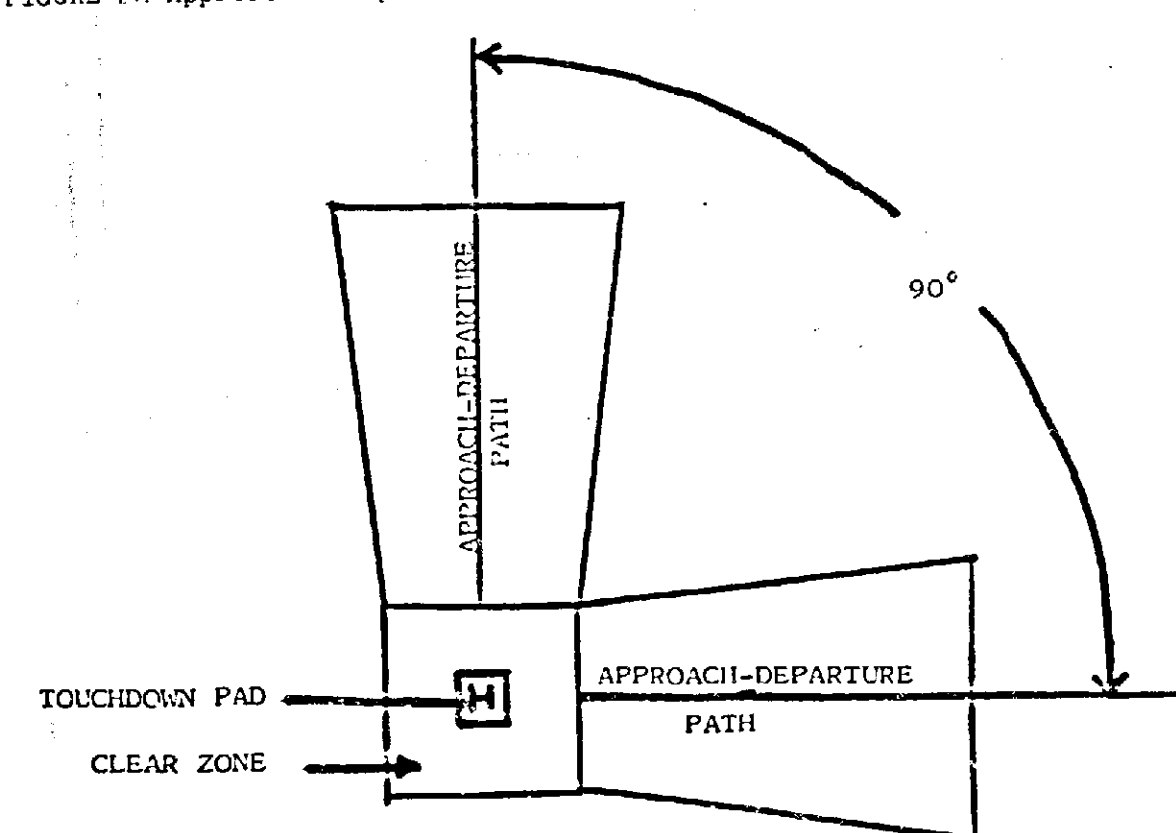
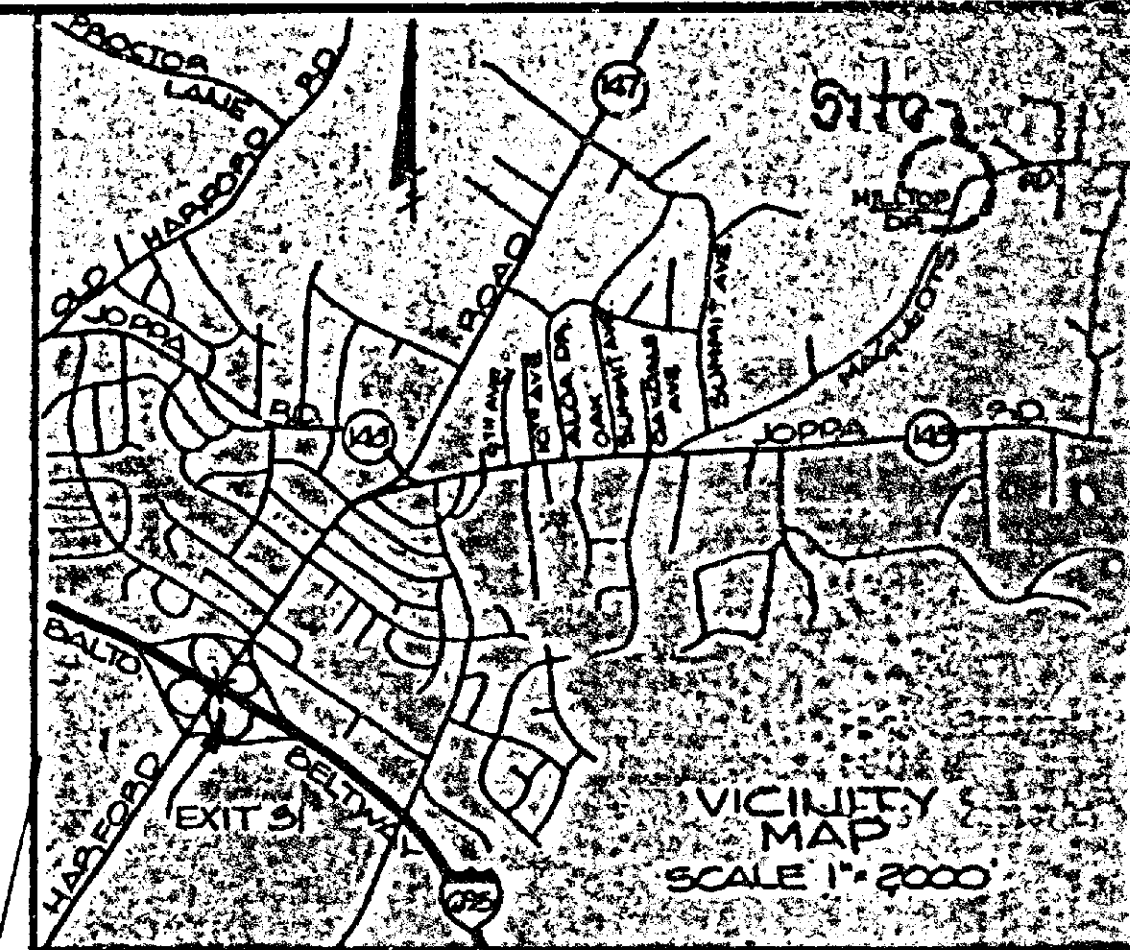
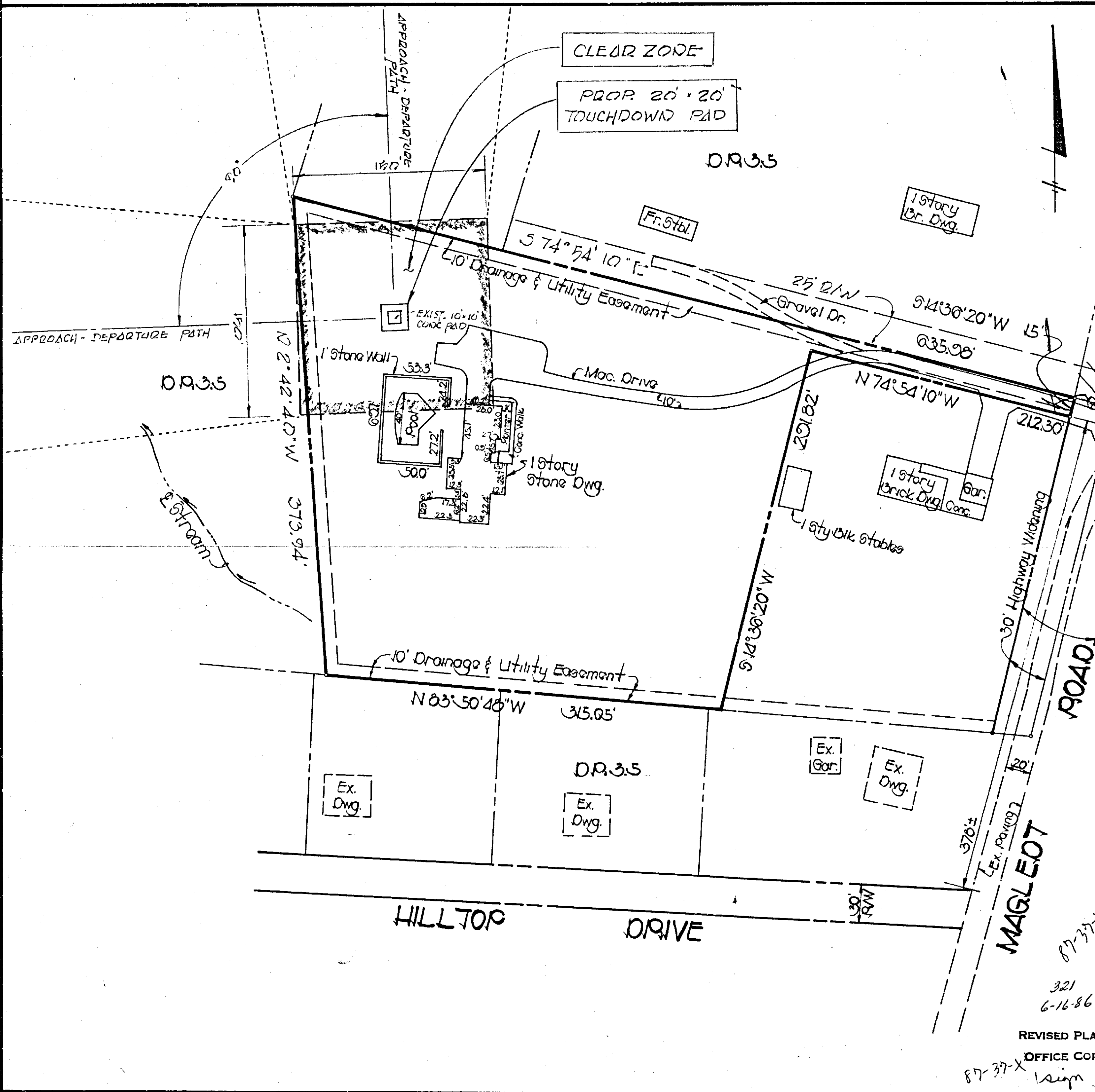


FIGURE #2 Approach - Departure Path Angles



-5-



- NOTES:
1. Ex. Zoning
  2. Area of tract
  3. No Public Water or Sewer is available.

## PETITIONER'S EXHIBIT

REVISIONS			
NO.	DATE	REV.	DESCRIPTION
1	6-10-86	REV. PER COUNTY	COMMENTS

**SPELLMAN, LARSON & ASSOCIATES, INC.**  
 CIVIL ENGINEERS AND LAND SURVEYORS  
 SUITE 107, JEFFERSON BLDG., TOWSON, MD. 21204  
 PHONE: 823-3535

PLAT TO ACCOMPANY ZONING PETITION FOR A SPECIAL EXCEPTION FOR A HELISTOP

**RIEDLBAUER PROPERTY**  
 #9804 MAGLEOT ROAD

11TH Election District Baltimore Co., MD.  
 SCALE: 1" = 50'  
 DATE: 2-5-86 DES. BY: O.C.B. SHT. 1 of 1  
 DWN. BY: O.C.B.

REVISED PLANS  
 OFFICE COPY

87-37-X  
 321  
 6-16-86  
 87-37-X